



# Drug Court/Drug Board Program

## Annual Report to the Utah Legislature, October 2008

### Utah's Drug Courts:

Drug Court effectively addresses substance abuse and crime. Data collected by DSAMH shows:

- Almost 9,000 Utahns have participated, or are participating in Drug Courts in Utah
- Drug Courts participation has grown 46% from 2001 to 2008
- Over 4,900 Utahns have graduated from a Drug Court
- 64% of participants graduated from Drug Court in fiscal year (FY) 2008 compared to approximately 39% of the general treatment population who completed treatment successfully in FY2008
- 70% of participants received outpatient treatment in FY2008
- 23% of participants received intensive outpatient treatment in FY2008
- 7% of participants received residential treatment in FY2008

Drug Courts and Drug Boards, through the coordinated effort of the judiciary, prosecution, legal defense, probation, law enforcement, social services and the treatment community; offer nonviolent, drug abusing offenders intensive court-supervised drug treatment as

an alternative to jail or prison. These intensive services are provided in coordination among the participating agencies to those individuals identified at high risk for recidivism and in high need of substance abuse treatment services. Successful completion of Drug Court results in dropped charges, vacated or reduced sentences, or rescinded probation. This Annual Report, required by Utah Code Ann. §63-97-201, summarizes the activities of Utah's Drug Court and Drug Board programs.

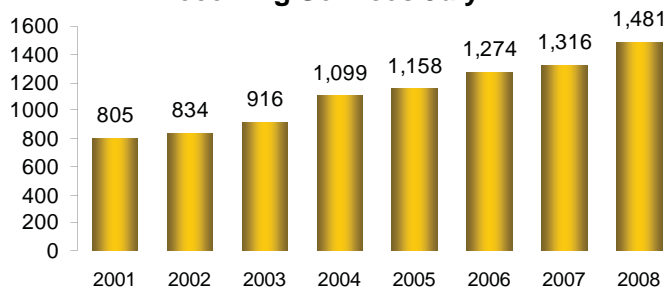
### Evolution of Drug Courts in Utah

During the mid 1990's local jurisdictions began responding to the cycle of recidivism commonly identified among drug offenders. This response included the creation of the first Drug Courts in Utah. As research on the benefits and effectiveness of Drug Courts has grown so has the number of Drug Courts in Utah. Over the past 12 years Utah's Drug Courts have increased from 2, in 1996, to over 32 operating Statewide today. The Department of Human Services, Division of Substance Abuse and Mental Health, provides funding for 24 Drug Courts and 2 Drug Board Programs.

Legislation that created and funded Utah's Drug Courts was enacted in 2000. The creation of the Drug Court Program and criteria for participation are found in Utah Code Ann. §78-3-32. Funding and the means of distribution are addressed in Utah Code Ann. §63-97-201. The Legislature also appropriates State General Funds to support Drug Courts. Additional funding information can be found on page 4 of this report.

In response to the increased number of Drug Courts, and research on Drug Court effectiveness, Utah's Drug Courts have moved from targeting low risk offenders to more focused eligibility criteria on

**State Totals - Drug Court Participants  
Receiving Services July 1**



higher risk individuals. During the Fall of 2007 the Division of Substance Abuse and Mental Health (the Division) and the Administrative Office of the Courts (AOC) sponsored a Statewide Drug Court training. Key team members of each Drug Court across the State attended. During this conference the Division and the AOC requested each Drug Court begin targeting those individuals whose substance abuse and criminal activity may be more serious and pose a greater threat to society.

***“To put it bluntly, we know that drug courts outperform virtually all other strategies that have been attempted for drug-involved offenders” (Marlowe, DeMatteo, & Festinger, 2003).***

During the Spring of 2008 the Division, in coordination with the AOC, released a Request for Application (RFA) for all Division Drug Court funding for State Fiscal Year 2009. This RFA focused on Drug Court adherence to Best Practices including: The 10 Key Components identified by the National Association of Drug Court Professionals for Felony Drug Courts, The Characteristics of Family/Dependency Drug Courts identified by the Center for Substance Abuse Treatment, Bureau of Justice Assistance for Family Dependency Drug Courts, and the Strategies used by a Juvenile (Youth) Drug Court identified by the Bureau of Justice Assistance for Juvenile Drug Courts.

Applicants were also required to document their screening and assessment strategies for identifying high risk and high need participants. Courts wishing to provide programming for first time offenders only were not able to apply. Finally, funding decisions for each court took into consideration overall adherence to the identified evidence based practices, adherence to enhanced screening and eligibility criteria, and on the projected number of participants served by each court.

## Are Drug Courts Effective?

The general effectiveness of Drug Courts on reducing recidivism has been consistently established in studies from across the country (Belenko, 2001). The Government Accountability Office’s (GAO) review of adult

drug court evaluations (2005) found that most studies have shown both during program and post-program (up to one year) reductions in recidivism.

Utah Drug Courts have been the subject of at least 11 independent evaluations. All of the independent reports showed positive outcomes. Studies consistently show lower recidivism for Drug Court graduates than non drug court comparison groups and lower recidivism for Drug Court graduates than non-successful clients. Citations for all 11 of these independent evaluations are listed at the end of this report.

***Drug Court retains offenders in treatment. The research suggests that retention is the most critical factor in successful outcomes (Marlowe, DeMatteo, & Festinger, 2003).***

Drug Courts also reduce costs. The findings of the Institute of Applied Research, an independent social science research firm, indicated that nonviolent drug offenders who were placed in treatment instead of prison generally earned more money and took less from the welfare system than those who successfully completed probation.

***“What you learn is that drug courts, which involve treatment for all the individuals and real support—along with sanctions when they fail—are a more cost effective method of dealing with drug problems than either probation or prison” (Institute for Applied Research, 2004).***

Drug Courts are an effective mode of treatment and supervision for Methamphetamine Dependent offenders. As a seasoned judge, I have found that frequent and immediate

responses are the most effective way to deal with the methamphetamine addict. In addition, it is essential through treatment and court intervention to get to the underlying cause of the addiction and deal with the physiological and psychological reasons for the addiction. Drug courts are the most effective way to deal with these problems —The Honorable Dennis Fuchs, Salt Lake City, Utah (2005).

## Types of Drug Courts in Utah

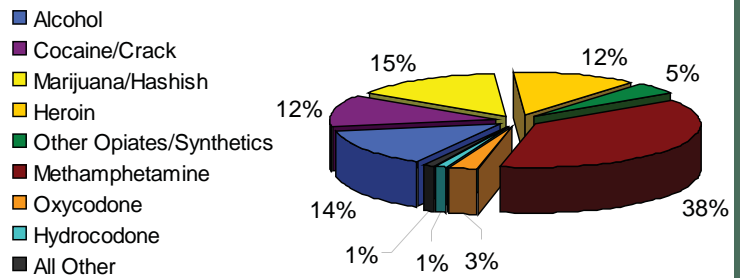
**Adult Felony Drug Courts:** Adult Felony Drug Courts focus upon individual adult offenders charged with a felony drug crime. Though restrictions may vary by location and program, adult felony drug court is generally available to:

- Certain nonviolent offenders charged with a felony drug crime. These crimes include forged prescriptions, possession with intent, and felony possession of a controlled substance
- Offenders with at least one previous drug conviction for which a sentence was given
- Offenders must be in the country legally

**Juvenile Drug Courts:** Juvenile Drug Courts provide an alternative approach for dealing with young drug offenders. They involve the family and school system in addition to Judicial, Case Management and Treatment involvement. This increased level of community involvement offers additional resources to assist courts as they address adolescent developmental and family concerns as well as substance abuse problems. Juvenile Drug Courts require participants, and their families, to attend court as often as weekly. Participants are also required to attend treatment, school and community service. Treatment services are individually tailored and developmentally appropriate.

**Dependency Drug Courts:** Family drug courts—also known as family dependency treatment courts—have emerged in response to both methamphetamine-

**Substance Use for  
Drug Court Participants**  
Fiscal Year 2008

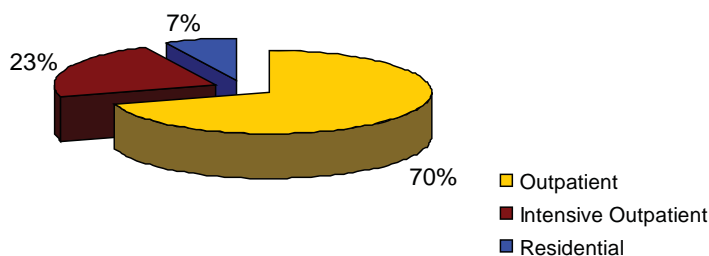


using parents who have neglected their children and the court's responsibility to enforce intervention in non-criminal, family cases. Family Drug Courts consider children's safety and permanency in addition to the multidisciplinary team approach. Parental accountability at all levels is enforced by the court's intensive supervision. As in adult drug courts, participants in family drug courts are required to take random and frequent drug tests and appear weekly before a judge. In many cases, addicted parents achieve sobriety and are able to provide a safe and fit home for their children.

**Drug Board:** Drug Board provides community-based services through a drug court model to help drug-involved offenders reintegrate into their communities after being released from prison. Drug Board uses the authority of the Board of Pardons and Parole to apply graduated sanctions, positive reinforcement and to coordinate resources to support the prisoner's reintegration. Central to the Drug Board are the goals of tracking, supporting, and supervising offenders upon release.

**Misdemeanor Drug Courts:** Six Justice Court-level drug courts provide nonviolent misdemeanor offenders with the opportunity to participate in judicially supervised, substance abuse treatment. Most of the participants in the misdemeanor courts have been arrested on marijuana or alcohol charges. These courts usually target first time offenders and are generally shorter in duration than felony Drug Courts. None of the Misdemeanor Drug Courts have received Court funding. Judges donate time and resources to make these programs a reality.

**Level of Care for  
Drug Court Participants**  
Fiscal Year 2008



## Appropriations

Utah Code Ann. §78-3-32 requires State General Funds appropriated to Drug Courts be allocated as follows: (i) 87% to the Department of Human Services for testing, treatment and case management of Drug Court Participants; and (ii) 13% to the Administrative Office of the Courts for increased Judicial support costs. In addition to these dollars local courts, legal council and counties provide in-kind services to support drug courts including legal council time, court clerks, etc., to name a few.

Senate Bill 15, Use of Tobacco Settlement Revenues, passed during the 2000 Legislative General Session. This bill appropriated a total of \$1,647,200 to the

Department of Human Services, allocating \$1,296,300 for statewide expansion of the Drug Court Program and \$350,900 for a Drug Board Pilot Program.

In 2007, the Utah State Legislature appropriated an additional \$2,000,000 from the State General Fund for Drug Courts. One million dollars was appropriated as one time funding. These monies were used to expand and enhance existing Drug Courts in FY2008 creating an estimated 198 additional treatment slots. In 2008, the Legislature again appropriated one million dollars in one time funding to maintain the treatment slots created through the monies appropriated in 2007.

The following charts show DHS funding for each Drug Court for FY2008:

Drug Court Funding					
	Tobacco Settlement Funds	Federal SAPT Block Grant Funds	State General Funds	State Asset Forfeiture Grant	Total Funds
2002	\$1,647,200	\$247,884	\$0	\$0	\$1,895,084
2003	\$1,647,200	\$247,884	\$0	\$0	\$1,895,084
2004	\$1,647,200	\$729,136	\$0	\$0	\$2,376,336
2005	\$1,647,200	\$799,136	\$0	\$0	\$2,446,336
2006	\$1,647,200	\$799,136	\$0	\$0	\$2,446,336
2007	\$1,647,200	\$898,588	\$435,000	\$75,000	\$3,055,788
2008	\$1,647,200	\$784,876	\$2,175,000	\$166,000	\$4,773,076
2009	\$1,647,200	\$800,000	\$2,175,000	\$92,840	\$4,715,040



Utah Drug Court Fund Distribution by Court and Type									
Model	DRUG COURT	2002	2003	2004	2005	2006	2007	2008	2009
FELONY	Box Elder First District Drug Court	\$125,000	\$125,000	\$125,000	\$125,000	\$125,000	\$131,250	\$150,000	\$281,250
	Cache County Felony Drug Court	-	-	-	-	-	-	\$131,250	-
	Carbon County Felony Drug Court	-	-	-	-	-	\$95,831	\$149,989	\$150,000
	Davis County Felony Drug Court	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$275,500	\$275,500	\$275,500
	Emery County Drug Court	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$149,998	\$149,998	\$75,000
	Grand County Drug Court	-	-	-	-	-	-	-	\$75,000
	Iron County Felony Drug Court	-	-	-	-	-	-	\$75,000	\$75,000
	Salt Lake County Felony Drug Court	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$292,500	\$642,500	\$550,000
	San Juan Felony Drug Court	-	-	-	-	-	-	\$85,137	\$75,000
	Sevier County Felony Drug Court	\$64,064	\$64,064	\$64,064	\$64,064	\$64,064	\$68,250	\$68,250	\$75,000
	Uintah County / Eighth District Drug Court	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$126,000	\$126,000	\$126,000
	Utah County Adult Felony Drug Court	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$250,000	\$315,000	\$300,000
	Utah County Felony Probation Drug Court	-	-	-	-	-	-	\$75,000	-
	Wasatch County Felony Drug Court	-	-	\$36,000	\$36,000	\$36,000	\$43,200	\$118,200	\$75,000
	Washington County Felony Drug Court	\$46,870	\$46,870	\$50,000	\$120,000	\$120,000	\$192,000	\$192,000	\$200,000
	Weber County Felony Drug Court	\$41,250	\$41,250	\$250,000	\$250,000	\$250,000	\$292,500	\$378,500	\$400,000
	<b>Total</b>	<b>\$1,257,184</b>	<b>\$1,257,184</b>	<b>\$1,505,064</b>	<b>\$1,575,064</b>	<b>\$1,575,064</b>	<b>\$1,917,029</b>	<b>\$2,932,324</b>	<b>\$2,732,750</b>
FAMILY/ DEPENDENCY	Carbon County Dependency Drug Court	-	-	-	-	-	-	\$150,000	\$75,000
	Emery County Dependency Drug Court	-	-	-	-	-	-	-	\$75,000
	Fourth District Dependency Drug Court	\$75,000	\$75,000	\$125,000	\$125,000	\$125,000	\$137,500	\$137,500	\$215,000
	Grand County Family Drug Court	\$0	\$0	\$40,000	\$40,000	\$40,000	\$75,900	\$138,962	\$75,000
	Third District Dependency Drug Court	\$105,000	\$105,000	\$105,000	\$105,000	\$105,000	\$136,500	\$187,000	\$300,000
	Washington County Dependency Drug Court	-	-	-	-	-	-	-	\$75,000
	Weber Child Protection Drug Court	-	-	\$80,000	\$80,000	\$80,000	\$124,000	\$139,000	\$150,000
	<b>Total</b>	<b>\$180,000</b>	<b>\$180,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$473,900</b>	<b>\$752,462</b>	<b>\$965,000</b>
JUVENILE	Fourth District Juvenile Drug Court	-	-	\$75,000	\$75,000	\$75,000	\$86,250	\$141,250	\$150,000
	Third District Juvenile Drug Court	\$75,000	\$75,000	\$63,372	\$63,372	\$63,372	\$69,709	\$112,709	\$150,000
	Tooele County Juvenile Drug Court	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$32,000	\$0
	Utah County Juvenile Drug Court	-	-	-	-	-	-	\$75,000	-
	Weber Juvenile Drug Court	-	-	-	-	-	\$126,000	\$210,431	\$225,000
	<b>Total</b>	<b>\$107,000</b>	<b>\$107,000</b>	<b>\$170,372</b>	<b>\$170,372</b>	<b>\$170,372</b>	<b>\$313,959</b>	<b>\$571,390</b>	<b>\$525,000</b>
DRUG BOARD	Davis County Drug Board	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000	\$117,000
	Weber County Drug Board	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900	\$233,900
	<b>Total</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>	<b>\$350,900</b>
	Training and Quality Assurance	*	*	*	*	*	*	\$166,000	\$141,390
	<b>STATE TOTAL</b>	<b>\$1,544,184</b>	<b>\$1,544,184</b>	<b>\$2,025,446</b>	<b>\$2,095,436</b>	<b>\$2,095,436</b>	<b>\$2,704,888</b>	<b>\$4,773,076</b>	<b>\$4,715,040</b>

## Independent Drug Court Research

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